

REMARKS

Claims 1-13 are pending in this application. By this Amendment, claims 1 and 13 are amended. Support for the amendments may be found at least at page 12, line 25 - page 13, line 5 of the specification and Fig. 8. No new matter is added. Reconsideration of the application in view of the above amendments and the following remarks is respectfully requested.

Applicants appreciate the courtesies shown to Applicants' representatives by Examiner Shepard during the September 1 telephone interview. Applicants' separate record of the substance of the telephone interview is incorporated into the following remarks.

The Office Action, on page 2, rejects claim 13 under 35 U.S.C. §101. This rejection is respectfully traversed.

The Office Action alleges that claim 13 does not fall within one of the four-statutory categories of the invention. Claim 13 is amended to recite a method for controlling a digital broadcast reception apparatus which is capable of receiving a digital broadcast to obviate this rejection. Claim 13 is, therefore, tied to a visual broadcast reception apparatus, which is a machine that falls under one of the four-statutory categories of invention.

Accordingly, reconsideration and withdrawal of the rejection of claim 13 under 35 U.S.C. §101 are respectfully requested

The Office Action, on a page 3, rejects claims 1, 2, 5, 7-9 and 13 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application Publication No. 2003/0014767 to Stumphauzer. The Office Action, on page 6, rejects claims 3 and 4 under 35 U.S.C. §103(a) as being unpatentable over Stumphauzer in view of U.S. Patent No. 7,065,709 to Ellis et al. (hereinafter "Ellis"). The Office Action, on page 7, rejects claim 6 under 35 U.S.C. §103(a) as being unpatentable over Stumphauzer in view of U.S. Patent No. 6,005,565 to Legall et al. (hereinafter "Legall"). The Office Action, on page 8, rejects claims 10-12 under 35 U.S.C.

§103(a) as being unpatentable over Stumphauzer in view of U.S. Patent Application Publication No. 2004/0015906 to Goraya. These rejections are respectfully traversed.

Without conceding the appropriateness of the current rejections, independent claims 1 and 13 are amended to recite, among other features, wherein in the program search, a plurality of programs that match the search condition and that are contained in the received digital broadcast are presented to a user for a predetermined time and in a sequence so that the user may choose a preferred program from the presented plurality of programs.

Stumphauzer is directed to a system and method that automatically plays programming selections corresponding to a user's preferences, as specified in a playlist (Abstract). The Office Action asserts that Stumphauzer teaches the combinations of all of the features recited in at least independent claims 1 and 13. This analysis of the Office Action fails for at least the following reason.

The Office Action asserts that Stumphauzer, in Fig. 7, teaches features that can be considered to correspond to the feature in claim 1. Fig. 7 of Stumphauzer illustrates that a user selects a playlist and a receiver plays a default (step 7010), a receiver then reads PDT information (step 7020), a PDT matches a playlist (step 7030), if the PDT matches the playlist then a ranking of the matching program to the current program is determined (step 7040) and if the ranking of the matching program is greater than the current program, the receiver interrupts the transmission and switches to the higher ranked program (steps 7050 and 7060).

In Stumphauzer, the receiver compares the rank of a matching program with the rank of a program already being played and it is the receiver that determines whether the program should be interrupted and then automatically tunes to the specified channel of the matching program for a designated time period in step S7060 (see paragraphs [0049] - [0050] of Stumphauzer).

Applicants' representatives argued during the telephone interview that Stumphauzer cannot reasonably be considered to teach that a plurality of programs that match the search condition and that are contained in the received digital broadcast are presented to a user for a predetermined time and in a sequence. Applicants' representatives argued that Stumphauzer merely indicates that, in its decision making process, a receiver makes determination of whether a particular program should be played or interrupted, and not a user. This decision in Stumphauzer is based upon a user's preferences that are preset and not based upon a presentation of programs so that the user may choose a preferred program from the presented plurality of programs.

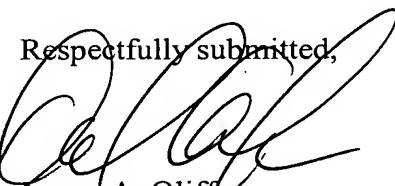
Examiner Shepard agreed that it would be helpful to amend independent claims 1 and 13 to clarify that a user may choose a preferred program from the presented plurality of programs to further distinguish the subject matter of the pending claims from Stumphauzer. In view of the telephone interview, Applicants amend the claims in the manner suggested by Examiner Shepard.

For at least the foregoing reasons, Stumphauzer cannot reasonably be considered to teach, or to have suggested, the combinations of all of the features recited in independent claims 1 and 13. Further, and because none of the other currently-applied references are applied in a manner to make up for the above-identified shortfall in Stumphauzer, dependent claims 2-12 would also not have been anticipated or suggested by Stumphauzer alone, or in combination with the other currently-applied references, for at least the dependence of these claims on independent claim 1, as well as for the separately patentable subject matter that each of these claims recites.

Accordingly, reconsideration and withdrawal of the rejections of claims 1-13 under 35 U.S.C. §102(e) and 35 U.S.C. §103(a) over the various combinations of currently-applied references are respectfully requested.

In view of the foregoing, Applicants respectfully submit that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-13 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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